

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RUSSEL “JOEY” JENNINGS,	:	Civil No. 3:20-CV-148
<i>by and through his parents/guardians,</i>	:	
<i>Richard and Susan Jennings, et al.,</i>	:	
	:	
Plaintiffs,	:	
	:	
v.	:	(Magistrate Judge Carlson)
	:	
TOM WOLF, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 2nd day of November, 2022, in accordance with the accompanying Memorandum Opinion, IT IS ORDERED as follows:

First, the Plaintiffs’ motion for class certification, (Doc. 19), is GRANTED. The parties shall consult, confer and provide the court with a joint proposal for the identification and notification of potential class members in a class consisting of:

All current and future residents of White Haven Center and Polk Center who are not on the Planning List and who do not want to be placed in a “community” setting or in another ICF because they believe that their current placements at Polk Center or at White Haven Centers are the least restrictive environments that are available that can meet all their needs.

on or before **November 18, 2022.**

Second, the Plaintiffs' motions for preliminary injunctions (Docs. 81 and 125), are DENIED. However, the denial of these motions is specifically premised, in part, upon the court's determination that the proposed November 30, 2022 deadline for completing these transfers simply is not feasible if the Commonwealth conducts the collaborative, inter-disciplinary process which it has committed to undertake for each resident in its care. Accordingly, all planning moving forward must operate on the assumption which was acknowledged by Commonwealth counsel that an additional 60 to 90 days will be necessary to fully engage in this interactive process. Given this concession, IT IS ORDERED that the Commonwealth provide the Court and the Plaintiffs with a revised projected transfer completion date, consistent with the concessions made at the preliminary injunction hearing, by **November 18, 2022**.

Third, on or before **November 28, 2022**, the parties shall consult, confer, and provide the Court with a joint proposed case management plan which will allow for the full merits disposition of this longstanding case on an expedited basis. Ideally, this case management plan should provide for a trial date within the extended timetable for completion of the transfer process that the Commonwealth is ordered to provide to the parties and the court.

Finally, to the extent that any party elects to pursue an interlocutory appeal of this court's order, within five days of the filing of the interlocutory appeal, that party

shall file a letter brief addressing the issues of whether, and to what extent, the court can and should proceed with full merits litigation.

/s/ Martin C. Carlson

Martin C. Carlson
United States Magistrate Judge